



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7524 of 2017

and

W.M.P(MD) .No.5882 of 2017

S.Sundarrajan

... Petitioner

vs.

1. The District Collector,
Madurai District, Madurai.
2. The Commissioner,
Madurai Corporation,
Madurai.
3. The Commissioner of Police,
Madurai City, Madurai - 625 002.
4. The Joint Commissioner of Labour,
Ellisnagar, Madurai - 625 010.
5. The Inspector of Police,
Anna nagar Police Station,
Madurai - 625 020.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachments being made by the unauthorized hawkers, fruit sellers and vendors etc., in the Mattuthavani Bus Stand, Madurai and further direct the fourth respondent to implement the law relating to weight and measures in letter and spirit by conducting periodical check up.

For Petitioner : Mr.A.Kannan

For Respondents : Mr.M.Govindan,

Spl.Govt.Pleader for R1 & R3 to R5

Mr.T.S.Mohamed Mohideen,

AGP for R2.

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J)

The petitioner filed this writ petition in *pro bono publico* for issuance of a writ of Mandamus directing the District Collector, Madurai and the Commissioner, Madurai Corporation and the Commissioner of Police, Madurai City to remove the encroachment made by the unauthorized hawkers, fruit sellers,



vendors etc., in Mattuthavani Bus stand, Madurai and implement the law relating to weight and measures in its letter and spirit.

2.The petitioner is stated to be a social activist running a trust by name "Thayagam Trust" doing eminent service to the aged, differently able persons by providing them free service in his Auto rickshaw.

3.According to the petitioner, on account of the unauthorized trade conducted by fruit vendors, it would not be possible for the passengers to enter the bus stand at Mattuthavani. The petitioner therefore seeks a direction for removal of encroachment.

4.We have heard the learned counsel for the petitioner. We have also heard the learned Additional Government Pleader on behalf of the respondents 1 and 3 to 5 and the learned standing counsel for the Madurai Corporation.

5.The petitioner has come with a grievance that on account of doing business by the unauthorized fruit vendors, the passengers are not in a position to enter the Mattuthavani bus stand at Madurai. According to the petitioner, on account of the illegal activities conducted by the unauthorised traders, others are put to untold difficulties.

6.The hawkers and fruit sellers are entitled to the benefit of Street Vendors (Protection of Livelihood and Regulation of Street Vendors) Act, 2014. The question of eviction of street vendors would arise only after conducting a survey by the local body and initiate measures for the their rehabilitation. There is no question of evicting them over night without resorting to the provisions under Central Act 7 of 2014.

7.We are of the view that no Mandamus as prayed for by the petitioner can be issued to remove the encroachment. We expect that the Corporation of Madurai would rise to the occassion by conducting a survey of hawkers, rehabilitate them and thereafter, remove all the unauthorised occupants of public property.

8.The writ petition is disposed of with the above direction. We make it clear that this order would not give a right to the street vendors to block the passage to the bus stand or other public place. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl side)

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<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

1.The District Collector, Madurai District, Madurai.

2.The Commissioner, Madurai Corporation, Madurai.

3.The Commissioner of Police, Madurai City, Madurai

4. The Joint Commissioner of Labour,
Ellisnagar, Madurai - 625 010.

5. The Inspector of Police,
Anna nagar Police Station,
Madurai - 625 020.

+1cc to Mr.A.Kannan, Advocate Sr.No.64692

+1cc to Mr.T.S.Mohamed Mohideen, Advocate Sr.No.64702

+1cc to Spl.Government Pleader Sr.No.65237

ARUL

VB/MR-KKR/SAR4/26.07.2017/3P/9C

**W.P (MD) No.7524 of 2017
and
W.M.P (MD) .No.5882 of 2017**

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